

03/08/01

PC&IM POLICY ALERT

No. 01-07

Class Deviation -- Applicability of the Service Contract Act to Subcontracts for the Acquisition of Certain Commercial Services

REFERENCE: **DFARS Change Notice: 20000831**
 DFARS Case Number: DAR Tracking No. 2000-o0006

TYPE OF ACTION: Department of Defense Class Deviation

EFFECTIVE DATE: August 25, 2000

SUMMARY: All military departments and defense contracting activities shall deviate from the requirements of FAR 12.504, 22.1003-4, and the clause at 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items, when contracting for commercial services. Instead, contracting officers shall --

- Use the attached 12.504 and 22.1003-5 language (see attached pdf file); and
- Add the parenthetical "Subcontracts for certain commercial services may be exempt from coverage if they meet the criteria in FAR 22.1003-4 (c) or (d) (see DoD class deviation number 2000-o0006)" after the entry for 52.222-41, Service Contract Act of 1965, As Amended (41 U.S.C. 351, et seq.), within the clause at 52.212-5(c).

This class deviation is effective through August 25, 2001 or until this policy is addressed in the FAR, whichever event occurs first.

ACTION REQUIRED: **This deviation applies to all solicitations issued or contracts awarded on or after 25 August 2000 for applicable commercial services.** Contracting officers may review the class deviation attached to this e-mail (Class Deviation 2000o0006.pdf) or access the class deviation at: <http://www.acq.osd.mil/dp/dars/deviations/2000o0006.pdf>

You may direct comments/questions on this Policy Alert to Kristine Hostetler at 303 676 3585 or Nancy Olander at 303 676 3985.